

OCA FILE Leg

23 September 1988
OCA 3190-88

NOTE FOR: John L. Helgerson

FROM:

STAT

SUBJECT: Department of Justice Signing Statement for
Intelligence Authorization Bill

Attached is a copy of the above. OMB needs to know by 10:30 a.m. on Monday, 26 September 1988, what we wish to do. They also want to know at that time if we wish to offer an alternative signing statement addressing the IG issue. I shall be on annual leave Monday, but am giving Paul a copy of both the signing statement and this note.



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Attachment

cc:

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OCA/LEG/ (23 September 1988)

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Suggested Language for Presidential Signing Statement on H.R.
4387

Today I sign H.R. 4387, the "Intelligence Authorization Act, Fiscal Year 1989," because it authorizes appropriations for critically important intelligence activities, as well as related activities that are vital to the security interests of the nation.

I am concerned, however, that Section 504 of the bill contains extensive reporting requirements with respect to the Inspector General of the Central Intelligence Agency, an office that already has been established. These requirements include reports disclosing certain of the Inspector General's recommendations to the Director of the Central Intelligence Agency and of potentially opposing views within the Executive Branch. Although I believe these provisions are unwarranted, I do not understand them to detract from the President's constitutional authority to direct that such views be withheld from Congress, where such action is necessary to protect the integrity and confidentiality of the deliberative process within the Executive Branch. Moreover, I understand that none of these provisions adversely affect the prosecutorial discretion of the executive branch.

I also note that Section 403 of the Act calls for the Director of the Agency and the Secretary of Defense to report upon, and to propose plans for rectifying, any underrepresentation in employment within the Agency or the National Security

Agency of certain "equal employment opportunity groups." I understand the Congress, in enacting Section 403, to permit the Executive Branch to establish these plans through means of recruitment efforts and other such activities designed to increase awareness of and access to job opportunities with the Federal Government among many groups in our society. I have always supported such laudable efforts. Nothing in the language of Section 403, however, mandates the use of inflexible racial or sexual quotas, nor would such quotas accord with our Constitution.